United Nations A/HRC/32/L.22

General Assembly

Distr.: Limited
28 June 2016

Original: English

Human Rights Council
Thirty-second session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Angola,* Belgium, Bosnia and Herzegovina,* Cameroon,* Ecuador, Germany, Haiti,* Honduras,* Mexico, Montenegro,* Netherlands, Paraguay, Peru,* Philippines, Portugal, Switzerland, the former Yugoslav Republic of Macedonia, Turkey,* Ukraine,* Uruguay,* United States of America:* draft resolution

32/... Protection of the human rights of migrants: strengthening the promotion and protection of the human rights of migrants, including in large movements

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Vienna Convention on Consular Relations, the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the United Nations Convention against Transnational Organized Crime and the protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

* State not a member of the Human Rights Council

Recalling also previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the protection of the human rights of all migrants, and the work of the various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants,

Reaffirming that the Universal Declaration of Human Rights proclaims that everyone has the right to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country,

Reaffirming also that everyone is entitled to all human rights and fundamental freedoms, without distinction of any kind, wherever the person is and regardless of his or her migration status,

Recognizing that States are responsible for promoting and protecting the human rights of all persons, including irregular migrants, who are in their territory and subject to their jurisdiction,

Recognizing also the shared and respective responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants,

Recalling that the Human Rights Council has the mandate to, inter alia, promote universal respect for the protection of all human rights and fundamental freedoms for all, without discrimination of any kind and in a fair and equal manner, to serve as a forum for dialogue on thematic issues on all human rights, and to promote the effective coordination and mainstreaming of human rights within the United Nations system,

Deeply concerned at the large and growing number of migrants, including women and children, who have lost their lives or have been injured in attempting to cross international borders, and recognizing the obligation of States to protect and respect the human rights of those migrants, regardless of their immigration status,

Welcoming the organization of the high-level plenary meeting on addressing large movements of refugees and migrants on 19 September 2016, convened by the General Assembly, which aims to improve the international community's response, with full respect for the human rights of all migrants,

Taking note of the report of the Secretary-General entitled "In safety and dignity: addressing large movements of refugees and migrants",[1] prepared in advance of the high-level meeting, including his recognition that respect for the human rights of all those who leave their countries, regardless of their migration status, is a fundamental tenet,

Considering the reports of the Special Rapporteur on the human rights of migrants on global migration,

Recalling the Declaration of the High-level Dialogue on International Migration and Development, adopted by the General Assembly at its sixty-eighth session,[2] in which representatives of States and Governments recognized the need for international cooperation to address, in a holistic and comprehensive manner, the challenges of irregular migration to ensure safe, orderly and regular migration, with full respect for human rights, and in which they recognized that human mobility is a key factor for sustainable development,

---

[1] A/70/59.

[2] General Assembly resolution 68/4.

Reaffirming the commitment to take action to avoid the loss of life of migrants, including by preventing and combating the smuggling of migrants and trafficking in persons by disrupting the criminal networks involved and improving cooperation on prevention, the prosecution of traffickers and smugglers, the protection of the rights of victims of trafficking and the human rights of migrants who have been smuggled, and in protecting migrants from exploitation and other abuses,

Recognizing that the International Organization for Migration has a global leading role in the field of migration, and also recognizing the expertise of other member agencies of the Global Migration Group,

Expressing serious concern about the situation of vulnerability and risk faced by migrants in transit, in particular unaccompanied migrant children, including adolescents, or children who have been separated from their families, who are forced to or decide to leave their homelands owing to multiple causes,

Recognizing the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons, often including males, and discrimination against women and girls,

Recognizing also the importance of coordinating international efforts to provide adequate protection, assistance and support to migrants in vulnerable situations and, as appropriate, to facilitate the voluntary return to their countries of origin or procedures for determining the need for international protection while respecting the principle of non-refoulement,

Recognizing further that migrants with disabilities are often disproportionately affected in situations of large movements and in their aftermath, and that they are often at increased risk of discrimination, exploitation and violence, including sexual and gender-based violence,

Noting the eighth summit meeting of the Global Forum on Migration and Development, held in Istanbul, Turkey, in October 2015, which emphasized, inter alia, the importance of protecting the human rights of all migrants, irrespective of their migration status, by all countries in the migratory cycle, and welcoming the convening of the ninth summit meeting, to be held in Dhaka, in December 2016,

Acknowledging the important role that migrants play as partners in the development of origin, transit and destination countries, and recognizing the need to improve public perceptions of migrants and migration,

Mindful of the fact that, in the fulfilment of their obligations to protect human rights, States of origin, transit and destination can benefit from schemes of international cooperation,

Noting with appreciation the actions taken by several special procedures of the Human Rights Council and the treaty bodies for the effective prevention of violations of the human rights of migrants, including through joint statements and urgent appeals, and encouraging them to continue their collaborative efforts within their respective mandates to this end,

Recognizing the cultural and economic contributions made by migrants to receiving societies and their communities of origin and the need to identify appropriate means of maximizing development benefits and responding to the challenges that migration poses to countries of origin, transit and destination, and committing to ensuring dignified, humane

treatment with applicable protections and to strengthening mechanisms for international cooperation,

Welcoming the adoption of the 2030 Agenda for Sustainable Development[1] in its entirety, and recalling Sustainable Development Goals 8 and 10, including the targets on the protection of labour rights and the promotion of safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment, and on the facilitation of orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and acknowledging that meeting the Sustainable Development Goals and targets of the 2030 Agenda could reduce the need for migrants to leave their homes in search of greater opportunities by addressing some of the root causes of movements of refugees and migrants,

1. *Reaffirms* the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, including those of women, children and persons with disabilities, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Calls upon* all States to reaffirm the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants who leave their countries, regardless of their migratory status, particularly in the context of the forthcoming high-level meeting of the General Assembly on addressing large movements of refugees and migrants;

3. *Takes note* of the *Recommended Principles and Guidelines on Human Rights at International Borders*, prepared by the Office of the United Nations High Commissioner for Human Rights, and encourages States to give due consideration to their implementation;

4. *Calls upon* States that have not yet done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a matter of priority, and requests the Secretary-General to continue his efforts to promote and raise awareness of the Convention;

5. *Also calls upon* States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and protocols thereto, in particular the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

6. *Reaffirms* the duty of States to effectively promote and protect the human rights and fundamental freedoms of all migrants, including those of women, children and persons with disabilities, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party;

7. *Expresses concern* at legislation and measures adopted by some States that may adversely affect the full enjoyment of the human rights and fundamental freedoms of migrants, including those in transit;

---

[1] General Assembly resolution 70/1.

8. *Reaffirms* that, when exercising their sovereign right to enact and implement migration and border security measures, States have a duty to comply with their obligations under relevant international law, including international human rights law, in order to ensure full respect for the human rights of migrants, including migrants in a vulnerable situation;

9. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international human rights law, and to promote the enjoyment of human rights by all migrants without discrimination;

10. *Also calls upon* all States to promote and protect the human rights of all migrants, without discrimination of any kind, and to this end to provide assistance and relief to migrants who need it, including those in a vulnerable situation, regardless of their immigration status, and to create a safe, accessible and enabling environment in which individuals and organizations that provide such attention can operate;

11. *Further calls upon* all States to adopt a comprehensive and integral approach to migration policies, and to cooperate at the international level on the basis of shared responsibility to harness fully the economic developments and cultural and social opportunities that migration represents and to address efficiently its challenges in line with international human rights standards;

12. *Encourages* the Office of the United Nations High Commissioner for Human Rights to provide technical assistance to States, upon their request, to better promote and protect the human rights of migrants;

13. *Decides* to hold an enhanced interactive dialogue on the theme, "The human rights of migrants in the context of large movement" at its thirty-fourth session, with the participation of the Office of the High Commissioner and other relevant stakeholders, including the International Organization for Migration, the Office of the United Nations High Commissioner for Refugees, the International Labour Organization, the World Health Organization or other members of the Global Migration Group;

14. *Requests* the High Commissioner:

(*a*) To continue to develop, as co-chair of the Global Migration Group Working Group on Migration, Human Rights and Gender, principles and practical guidance on the protection of the human rights of migrants in vulnerable situations within large and/or mixed movements, on the basis of existing legal norms, and to report thereon to the Human Rights Council at its thirty-fourth session;

(*b*) To submit to the Human Rights Council before its thirty-third session a report on the promotion and protection of the human rights of migrants in the context of large movements, in consultation with States and other relevant stakeholders, including regional organizations, civil society organizations and national human rights institutions, and to transmit the report to the General Assembly at its seventy-first session;

15. *Requests* the Special Rapporteur on the human rights of migrants to continue to report on solutions and to contribute to and participate in key discussions relating to the promotion and protection of the human rights of migrants, including with respect to the large movement of migrants, by identifying best practices and concrete areas and means for international cooperation in order to enhance the protection of the human rights of migrants, and to continue to pay attention to the topic of the universal enjoyment of human rights for all migrants;

16. *Encourages* States and regional and international organizations to enhance cooperation with the Special Rapporteur;

17. *Decides* to remain seized of the matter.